

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

RICHARD WOLFGRAM, *et al.*  
Plaintiffs,

v.

DAVID MILLER, *et al.*,  
Defendants.

Case Number 1:21-cv-02755  
Honorable John F. Kness

**DEFENDANT LAKE FOREST HIGH SCHOOL DISTRICT 115's  
MOTION TO STAY DISCOVERY**

Defendant, Lake Forest High School District 115 (the "District"), by and through its attorneys, respectfully ask the Court to stay discovery in this matter pending a ruling on Defendants' respective motions to dismiss. In support of this motion, the District states the following:

1. Plaintiffs filed their Complaint on May 21, 2021. ECF No. 1.
2. On August 9, 2021, the District filed a motion to dismiss the Plaintiffs' Complaint in its entirety on the basis that the Plaintiffs' claims are untimely, barred by the Tort Immunity Act and Illinois School Code, and each Plaintiff failed to state a cause of action. ECF Nos. 15 and 16.
3. Defendant David Miller filed a motion to dismiss on August 10, 2021 adopting argument I of the District's motion to dismiss. ECF No. 17.
4. Defendants' respective motions to dismiss may result in the dismissal of certain claims against certain Defendants or all claims against certain Defendants, thereby potentially eliminating the need to answer or otherwise respond to certain allegations within the Complaint.
5. Defendants' motions to dismiss, if granted, may eliminate the need for discovery either in part or completely.

6. Until the Court rules on Defendants' motion to dismiss, it is unclear which allegations will remain at issue, and thus need to be answered, and what information will be relevant in discovery.

7. A stay of discovery pending resolution of Defendants' motions to dismiss advances the goal memorialized in Rule 1 to secure "the just, speedy, and inexpensive determination of [this] action and proceeding." Fed. R. Civ. P. 1.

8. Staying discovery is in the Parties' mutual best interests because if granted, the motions to dismiss will dispose of this matter either entirely or in part. This Court's ruling on these pending motions will control the need for the District to answer the Complaint, the need for the Parties to engage in discovery, the scope of discovery and the relevance of certain information.

9. Staying discovery is in the interests of efficiency because it would avoid the burden and expense of what may be unnecessary discovery if the Plaintiffs' claims are dismissed either in part or in full.

10. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the Parties conducted a planning conference in which the Parties agreed that it was mutually beneficial and in their best interests to effectively stay discovery until a ruling on the pending motions to dismiss, which, if granted, would dispose of all the claims against the Defendants. The Parties subsequently submitted a Joint Status Report on November 29, 2021. ECF No. 27.

11. The Parties agree that if the motions to dismiss are denied, discovery should proceed immediately upon that ruling. The Parties have agreed to enter a discovery schedule, as outlined in the Joint Status Report submitted on November 29, 2021. ECF No. 27.

12. In the interests of both judicial economy and the avoidance of unnecessary litigation expenses, the District respectfully asks this Court to stay discovery until the Court rules on Defendants' pending motions to dismiss.

13. On December 10, 2021, the District's counsel reached out to Plaintiffs' Counsel and Defendant David Miller's Counsel to see if they could file this motion as a joint and agreed motion. Plaintiff's Counsel, Ian R. Alexander, indicated that Plaintiffs have no objection but are not joining the motion. David Miller's Counsel did not respond prior to the filing of this motion.

14. No party has previously sought an extension in this matter.

15. This motion is brought in good faith and not for purposes of undue delay or any other improper purpose. In addition, the Parties will not be unduly prejudiced should this motion be granted.

WHEREFORE, the District respectfully asks the Court to enter an order staying discovery in this matter pending the outcome of the pending motions to dismiss.

Dated: December 10, 2021

Respectfully Submitted,

**Lake Forest Community  
High School District 115**

By: /s/ Jennifer A. Smith  
One of its Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that she filed the foregoing **DEFENDANT LAKE FOREST HIGH SCHOOL DISTRICT 115's MOTION TO STAY DISCOVERY** with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record on December 10, 2021.

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